IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY NINTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION NO : 22846 of 2004

Between:

Smt. A. Uma, W/o. Appa Rao, Hindu,
7th Ward, Fair Price Shop Dealer, R/o. Huzur Nagar, Nalgonda District.

... PETITIONER

AND

1 The District (CS) Collector, Nalgonda, Nalgonda District.
2 The Revenue Divisional Officer, Miryalaguda, Nalgonda District.
3 The Mandal Revenue Officer, Huzur Nagar, Nalgonda District.
4 Nukathotti Vijaya Kumari W/o. Nageswara Rao, Fair Price Shop Dealer
Tilak Nagar, Huzurnagar village and Mandal Nalgonda district
R4 is impleaded as per court order dt. 25-1-2005 in WPMP 844 of 2005

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, order or direction the order of the 2nd respondent issued his proceedings E2/1683/04, dated 17-11-2004 though the petitioner is distributing essential commodities to the card holders since 26-5-2004 without giving any notice or opportunity to the petitioner as arbitrary, illegal improper malafide unconstitutional and against principle of Natural Justice and consequently direct the respondents to continue the petitioner as Fair Price Dealer in 7th ward of Huzur Nagar, Town and Mandal, Nalgonda District

Counsel for the Petitioner: MR.PRABHAKAR BOMMAGANI

Counsel for the Respondents 1 to 3: GP FOR CIVIL SUPPLIES

Counsel for the Respondent No.4: MR. PALLE NAGESWARA RAO

The Court made the following order:

ORDER:

Petitioner questions the action of the second respondent in issuing the proceedings E2/1683/04 dated 17.11.2004 calling for the applications in respect of the fair price shop dealership of 7th Ward, Huzurnagar, Nalgonda District.

Admittedly, the petitioner was appointed as a temporary dealer to the said fair price shop and her dealership is valid up to March 2006. The appointment of temporary dealer will not come in the way of appointing a permanent dealer to the said fair price shop. The notification dated 17.11.2004 is not for the appointment of temporary dealer to replace the petitioner but it is for the appointment of a dealer on permanent basis. Pursuant to the said notification twelve applications were received and seven candidates attended the interview. Out of the seven candidates the fourth respondent performed better and she was selected and appointment orders were also issued on 06.12.2004. But pursuant to the interim orders of this Court dated 10.12.2004 the petitioner is being continued as temporary dealer.

I am of the opinion that a temporary dealer has no existing right to stall the appointment of the permanent dealer unless the notification calls for appointment of temporary dealer to replace an existing temporary dealer.

Therefore, I do not see any merits in the writ petition and the writ petition is accordingly

dismissed. No costs.

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V. ESWARAIAH, J

April 29, 2005

Dsk

Note: Furnish copy in a week.

(B/o)

Dsk

To

1 The District (CS) Collector, Nalgonda, Nalgonda District.
2 The Revenue Divisional Officer, Miryalaguda, Nalgonda District.
3 The Mandal Revenue Officer, Huzur Nagar, Nalgonda District.

4 Two CCs to GP for Civil Supplies, High Court Buildings, Hyderabad (OUT)

Two CD Copies.